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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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In re: : Chapter 15
:
BUMI INVESTMENT PTE LTD, : Case No. 14-13296
:
Debtor in a Foreign Proceeding. :
:
-----X

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:
In re: : Chapter 15
:
BUMI CAPITAL PTE LTD, : Case No. 14-13297
:
Debtor in a Foreign Proceeding. :
:
-----X

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:
In re: : Chapter 15
:
ENERCOAL RESOURCES PTE LTD, : Case No. 14-13298
:
Debtor in a Foreign Proceeding. :
:
-----X

MOTION PURSUANT TO FED R. BANKR. P. 1015(b)
FOR ORDER DIRECTING JOINT ADMINISTRATION OF
CASES UNDER CHAPTER 15 OF THE BANKRUPTCY CODE

Andrew Christopher Beckham, the duly authorized foreign representative (the
“Foreign Representative”) of the above-captioned debtors in a foreign proceeding (the “Foreign
Debtors”), commenced in the High Court of the Republic of Singapore (the “Singapore Court”)

pursuant to Section 210(10) of the Companies Act (Cap. 50) (collectively, the “Singapore Proceeding”), by and through undersigned counsel, hereby moves (the “Motion”) this Court for entry of an order, pursuant to section 105(a) of title 11 of the United States Code (“Bankruptcy Code”) and Rule 1015(b) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), authorizing and directing the joint administration of the Foreign Debtors’ related chapter 15 cases for procedural purposes only. In support of the Motion, the Foreign Representative relies upon and incorporates herein by reference (i) the Declaration of Andrew Christopher Beckham in Support of (I) the Verified Petition of Andrew Christopher Beckham, as Foreign Representative of the Foreign Debtors, for Recognition of Foreign Main Proceeding Pursuant to 11 U.S.C. §§ 1515 and 1517 and Relief Pursuant to 11 U.S.C. §§ 1520 and 1521, and (II) Application for an Order Granting Provisional Relief, Pursuant to Sections 105(a) and 1519 of the Bankruptcy Code (the “Beckham Declaration”), (ii) the Memorandum of Law in Support of the (I) Verified Petition of Andrew Christopher Beckham, as Foreign Representative of the Foreign Debtors, for Recognition of Foreign Main Proceeding Pursuant to 11 U.S.C. §§ 1515 and 1517 and Relief Pursuant to 11 U.S.C. §§ 1520 and 1521, and (II) Application for an Order Granting Provisional Relief, Pursuant to Sections 105(a) and 1519 of the Bankruptcy Code (the “Memorandum of Law”), and (iii) the Declaration of Sim Kwan Kiat, of Rajah & Tann Singapore LLP, Singapore counsel to the Foreign Debtors in the Singapore Proceeding (the “Sim Declaration”), filed with the Court concurrently herewith. In further support of the Motion, the Foreign Representative respectfully represents as follows:

BACKGROUND

1. The relevant facts are set forth in the Beckham Declaration, Memorandum of Law and the Sim Declaration, which were filed contemporaneously herewith. Capitalized terms used

herein but not otherwise defined shall have the meanings given to such terms in the Beckham Declaration.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).

3. Venue is proper in this District pursuant to 28 U.S.C. § 1410.

4. The statutory predicates for the relief requested herein are section 105(a) of the Bankruptcy Code and Bankruptcy Rule 1015(b).

RELIEF REQUESTED

5. By this Motion, the Foreign Representative respectfully requests the entry of an order, in the form attached hereto as **Exhibit A**, (a) authorizing and directing the joint administration of the Foreign Debtors' chapter 15 cases for procedural purposes only, and (b) granting such other relief as the Court deems just and proper.

6. The Foreign Representative also requests that the caption of the Foreign Debtors' chapter 15 cases be modified to reflect the joint administration of these chapter 15 cases substantially as follows:

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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	:	
In re:	:	Chapter 15
	:	
BUMI INVESTMENT PTE LTD, <i>et al.</i> ¹	:	Case No. 14-13296
	:	
Debtors in a Foreign Proceeding.	:	(Jointly Administered)
	:	
-----	X	

- 1 The Foreign Debtors are Bumi Investment Pte Ltd, Bumi Capital Pte Ltd and Enercoal Resources Pte Ltd.

7. In addition, the Foreign Representative requests that the Court authorize and direct that a notation substantially similar to the following notation be entered on the docket for each of the Foreign Debtors to reflect the joint administration of these cases:

An order (the “Joint Administration Order”) has been entered in this case directing the joint administration of the chapter 15 cases listed below. The docket in Case No. 14-13296 should be consulted for all matters affecting this case. The following chapter 15 cases are jointly administered pursuant to the Joint Administration Order:

Bumi Investment Pte Ltd (Case No. 14-13296), Bumi Capital Pte Ltd (Case No. 14-13297) and Enercoal Resources Pte Ltd (Case No. 14-13298).

8. Further, the Foreign Representative requests that the Court authorize the Foreign Debtors to utilize a combined service list for the jointly-administered cases and that combined notices be sent to creditors of the Foreign Debtors’ estates and other parties in interest as applicable.

BASIS FOR RELIEF

9. Bankruptcy Rule 1015(b) provides that, if two or more petitions are pending in the same court by or against a debtor and an affiliate, the court may order the joint administration of the estates of a debtor and its affiliates. *See* Fed. R. Bankr. P. 1015(b).

10. The Beckham Declaration, filed simultaneously herewith, establishes that joint administration of these chapter 15 cases (a) is warranted because the Foreign Debtors’ financial affairs and business operations are closely related, (b) will ease the administrative burden on the

Court and the parties, and (c) protects creditors of different estates against potential conflicts of interest.

11. The Foreign Representative anticipates that the various notices, applications, motions, other pleadings, hearings, and orders in these cases will affect all of the Foreign Debtors. With three affiliated Foreign Debtors, each with its own case docket, the failure to administer these cases jointly would result in numerous duplicative pleadings filed for each issue and served upon separate service lists. Such duplication of substantially identical documents would be extremely wasteful and would unnecessarily burden the Clerk of this Court (the “Clerk”).

12. Joint administration will permit the Clerk to use a single docket for each of the Foreign Debtors’ cases and to combine notices to creditors and other parties in interest of the Foreign Debtors’ respective estates. Joint administration will protect parties in interest by ensuring that such parties in interest in each of the Foreign Debtors’ respective chapter 15 cases will be apprised of the various matters before the Court in all of these cases.

13. The Foreign Representative requests that the official caption to be used by all parties in all pleadings in the Foreign Debtors’ jointly-administered cases be in the form set forth above.

14. The Foreign Representative submits that use of the simplified caption, without reference in the caption itself to each of the Foreign Debtors, will eliminate cumbersome and confusing procedures and ensure a uniformity of pleading identification.

15. The rights of the respective creditors of each of the Foreign Debtors will not be adversely affected by joint administration of these cases inasmuch as the relief sought is purely procedural and is in no way intended to affect substantive rights. Each creditor and party in interest will maintain whatever rights it has against the particular estate in which it allegedly has a claim or right. Indeed, the rights of all creditors will be enhanced by the reduction in costs resulting from joint administration. The Court also will be relieved of the burden of entering duplicative orders and keeping duplicative files. Supervision of the administrative aspects of these chapter 15 cases by the Office of the United States Trustee will also be simplified.

NOTICE

16. The Foreign Representative requests that the Court grant this Motion without notice to creditors. The Foreign Representative proposes to notify all creditors of these chapter 15 cases in the method set forth in the Foreign Representative's *Motion for an Order Scheduling Hearing and Specifying the Form and Manner of Service of Notice* filed contemporaneously herewith. In light of the nature of the relief requested, the Foreign Representative submits, and requests that this Court hold, that no further notice is required.

CONCLUSION

WHEREFORE, the Foreign Representative respectfully requests that the Court enter an Order, substantially in the form attached hereto as **Exhibit A**, (a) authorizing the joint administration of the Foreign Debtors' chapter 15 cases and (b) granting such other relief as the Court deems just and proper.

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as Foreign Representative*